

O'CONNOR CHRISTENSEN & McLAUGHLIN LLP
INTELLECTUAL PROPERTY LITIGATORS
1920 MAIN STREET, SUITE 150
IRVINE, CALIFORNIA 92614

TEL. (949) 851-5000

FAX (949) 851-5051

July 25, 2005

Honorable Joseph L. Tauro
United States District Court
for the District of Massachusetts
1 Courthouse Way
Boston, MA 0221

Re: ITV Direct, Inc. v. Healthy Solutions, LLC, et al.
U.S.D.C. C.A. No. 04-cv-10421-JLT

Dear Judge Tauro:

On March 30, 2005, counterclaimants Healthy Solutions LLC, Health Solutions Inc., Mike Howell, Greg Geremesz and Alex Guerrero attempted settlement of this case with Plaintiff/Counterdefendant ITV Direct and Direct Fulfillment Inc.; however, absent the consent of product manufacturer/plaintiff in intervention Cappseals Inc., court approval was required. The Court denied that approval. That settlement died at that point and the parties made extensive preparations for trial. The March 2005 settlement cannot sua sponte be revived by the letter of a single party. The judgment ordered July 20, 2005 in favor of Healthy Solutions LLC, which is proper as a matter of law, should therefore be entered.

Sincerely,

O'CONNOR CHRISTENSEN & McLAUGHLIN LLP

/s/ Becky V. Christensen

Becky V. Christensen, Esq.

cc: Christopher F. Robertson, Esq.
Daniel J. Kelly, Esq.

CERTIFICATE OF SERVICE

I hereby certify that on July 25, 2005, a copy of the foregoing **LETTER TO JUDGE TAURO IN RESPONSE TO ITV DIRECT'S LETTER OF JULY 25, 2005** was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Christopher F. Robertson, Esq.
Peter S. Brooks, Esq.
Susan W. Gelwick, Esq.
SEYFARTH SHAW LLP
Two Seaport Lane, Suite 300
Boston, MA 02210
(617) 946-4800
(617) 946-4801 Facsimile
crobertson@seyfarth.com
pbrooks@seyfarth.com
[sgelwick@seyfarth.com](mailto:s gelwick@seyfarth.com)

Attorneys for Plaintiff, Intervenor
Defendant, Counter Defendant
ITV DIRECT, INC. and DIRECT
FULFILLMENT, LLC

Daniel J. Kelly, Esq.
Scott A. Silverman, Esq.
GADSBY HANNAH LLP
225 Franklin Street
Boston, MA 02110
(617) 345-7026
(617) 204-8026 Facsimile
dkelly@ghlaw.com
ssilverman@ghlaw.com
Kcataldo@ghlaw.com

Attorneys for Plaintiff-in-Intervention
CAPPSEALS, INC.

/s/ Becky V. Christensen
Becky V. Christensen, Esq.
Counsel for Healthy Solutions LLC, Health
Solutions Inc., Alejandro Guerrero,
Michael Howell, and Gregory Geremesz